

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: SUFFOLK UNIVERSITY COVID
REFUND LITIGATION

Master File No.: 1:20-cv-10985-WGY

THIS DOCUMENT RELATES TO:
ALL ACTIONS

DECLARATION OF ANNA FRANCESCA FOTI

I, Anna Francesca Foti, make this Declaration pursuant to 28 U.S.C. § 1746:

1. I am an adult and I am fully competent to make this Declaration. This Declaration is based on my personal knowledge, unless otherwise indicated. If called upon to testify to the matters stated herein, I could and would competently do so. This Declaration is submitted in support of Plaintiffs' Motion for Class Certification.

2. I was a student at Suffolk University during the Spring 2020 semester.

3. Prior to my enrollment for the Spring 2020 semester, I paid tuition and fees to Suffolk University, as follows: \$8,521.00 in tuition (after deductions for financial aid and applied credits), a \$90 activity fee and a \$55 technology fee. Prior to the payment of tuition and fees, I received an Account Statement from Suffolk dated November 25, 2020, listing amounts due for tuition and fees for the Spring 2020 semester. A copy of the Account Statement is annexed hereto as Exhibit 1. The account statements for my enrollment at Suffolk, including the Account Statement for the Spring 2020 semester, were sent or directed to me.

4. I currently reside in, and am a citizen of Revere, Massachusetts.

5. I am represented by David Pastor of Pastor Law Office, LLP in Boston, Massachusetts.

6. I initiated contact with Pastor Law Office, LLP and had discussions with Mr. Pastor and his assistant as to the duties and obligations of a plaintiff in a proposed class action.

7. I fully understand my duties and responsibilities as a class representative, and I am prepared to fulfill those duties and responsibilities if appointed by the Court to serve as a class representative in this case.

8. I understand that the initial complaint in this case was filed with my mother, Mary Ann Foti, as the sole plaintiff and proposed class representative, was filed on August 24, 2020 in Case No: 1:20-cv-11581-WGY. The complaint that included me as a plaintiff, the First Amended Complaint, (“Amended Complaint”) was filed in this Court on October 23, 2020. I reviewed the draft of the Amended Complaint and authorized it to be filed in this lawsuit on behalf of myself and on behalf of a proposed class.

9. Once I became a plaintiff in this case, I continued to confer with David Pastor of Pastor Law Office, including by telephone and email.

10. In conferring with my attorney in this case, I shared information about my experience as a student at Suffolk, including my experience before, during, and after the switch to remote classes and the closing of campus due to COVID-19.

11. I started as an undergraduate freshman at Suffolk in the College of Arts and Sciences in the fall of 2017. I majored in sociology, with a health and society concentration, and with a minor in psychology. I graduated from that program in May, 2021.

12. In or around November, 2019, I registered for classes for the Spring 2020 semester, on the MySuffolk portal. When registering for classes (for the Spring 2020 semester and for previous semesters) I noticed that some courses, those that were being taught on an in-person, classroom basis, listed a specific classroom as the location at which that class was to

meet. Other courses, those that were being taught online, did not list a classroom location but had the designation “Online” or “Web” in place of a classroom location. I selected all in-person classes, and did not select online classes or programs, starting with my first semester at Suffolk, and continuing through my final semester as a Suffolk undergraduate.

13. Starting with my first semester at Suffolk and continuing through approximately March 9, 2020, all of my classes were taught in-person. It was my understanding that I was required to attend those classes in person.

14. At the time I started the Spring 2020 semester at Suffolk, it was my understanding and expectation that all my classes would be taught in person. I understood and expected that in exchange for the payment of tuition and fees, I would receive in-person, classroom instruction. This understanding and expectation was based upon, among other things: my selection of in-person classes with a specific classroom location during the registration process; my payment of full tuition for in-person classes; and the fact that since I first enrolled at Suffolk in 2017, all of my classes had been conducted by in-person instruction.

15. Starting on approximately March 18, 2020, all of my classes at Suffolk were switched to remote, as opposed to in-person instruction, and this continued for the remainder of the Spring 2020 semester.

16. As of approximately March 24, 2020, Suffolk closed its Boston campus, and I no longer had access to campus facilities and services.

17. For all the foregoing reasons, I respectfully request that this Court appoint me as Class Representative.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on March 7, 2022



A handwritten signature in black ink, appearing to read 'Anna Francesca Foti', is written over a horizontal line. The signature is stylized with cursive lettering.

EXHIBIT 1



SUFFOLK UNIVERSITY

Suffolk University
Office of the Bursar
8 Ashburton Place
Boston, MA 02108
617-573-8407

<http://www.suffolk.edu/bursar>

STATEMENT DATE	DUE DATE	AMOUNT DUE
11/25/2019	01/03/2020	\$ 8,521.00

Anna F. Foti
35 Pitcairn St
Revere, MA 02151-2024
Student ID: 3746540

Account Statement

DATE	TERM	DESCRIPTION	CHARGES	CREDITS	BALANCE
11/22/19		*** Balance Forward ***		2,781.00	-2,781.00
11/25/19	19/FAL	Balance Transfer	2,781.00		0.00
11/25/19	20/SPR	Balance Transfer		2,781.00	-2,781.00
01/06/20	20/SPR	TUITION UNDERGRAD - FULL	19,907.00		17,126.00
01/06/20	20/SPR	ACTIVITY FEE - UNDERGRAD	90.00		17,216.00
01/06/20	20/SPR	UNIVERSITY TECHNOLOGY FE	55.00		17,271.00
		Pending Financial Aid			
01/13/20	20/SPR	DEANS SCHOLARSHIP		7,750.00	9,521.00
01/13/20	20/SPR	SUFFOLK UNIVERSITY SUCCE		1,000.00	8,521.00
Total:			\$ 22,833.00	\$ 14,312.00	\$ 8,521.00

The due date for the Spring 2020 semester is January 3, 2020. Payment in full is required by the due date. The charges on the bill are based upon your current registration. Any change in registration could cause your charges to increase or decrease. You may view your most updated charges on your My Account page in SU Pay. If you are a financial aid recipient, please note a change in registration may cause your financial aid to be adjusted. It may result in a student account balance. If you are not registered for the number of credits required for your financial aid award, please be advised that your financial aid may be changed and your balance to be adjusted. Massachusetts state law requires us to charge all students health insurance, who are enrolled in at least 75% of a full time program. If you are enrolled in a comparable health insurance plan provided by a US based health insurance carrier, you may waive the insurance offered by the University at www.universityhealthplans.com. If you are interested in applying for financial aid or for an alternative loan please make sure to have all your paperwork in to the Student Financial Services Office before the due date. Suffolk University also offers the option to sign up for a payment plan through the SU Pay website to pay the balance on your bill.